

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By Chairman Diane Rice, on January 31, 2007 at  
8:00 A.M., in Room 137 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Diane Rice, Chairman (R)  
Rep. Dave Gallik, Vice Chairman (D)  
Rep. Ron Stoker, Vice Chairman (R)  
Rep. Douglas Cordier (D)  
Rep. Robyn Driscoll (D)  
Rep. Bob Ebinger (D)  
Rep. George Everett (R)  
Rep. Julie French (D)  
Rep. Rick Jore (C)  
Rep. Krayton Kerns (R)  
Rep. Roger Koopman (R)  
Rep. Deborah Kottel (D)  
Rep. Tom McGillvray (R)  
Rep. Jesse O'Hara (R)  
Rep. Ken Peterson (R)  
Rep. Holly Raser (D)  
Rep. John Ward (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** David Niss, Legislative Branch  
Pam Schindler, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 375, HB 467, HB 323, HB 423,  
1/24/2007  
Executive Action: None

**HEARING ON HB 323**

**Opening Statement by Sponsor:**

00:01:23 Rep. Bill Thomas (D), HD 26, opened the hearing on HB 323, Rights pertaining to funeral and disposition arrangements.

[EXHIBIT\(juh21a01\)](#)

**Proponents' Testimony:**

00:03:27 Scott Gilligan, Chief Counsel, National Funeral Directors Association, Montana Funeral Directors Association

[EXHIBIT\(juh21a02\)](#)

00:15:08 Wayne Benson, Licensed Mortician/Embalmer, Missoula, Montana

00:18:38 Terry Stevenson, Licensed Funeral Director/Mortician

00:21:26 Todd Stevenson, Licensed Funeral Director/Mortician

00:24:37 Steve Schneider, Funeral Services Director

00:25:57 Julie Brigs, Licensed Mortician, Montana and Arizona

00:30:12 Steve Yeakel, Executive Director, Montana Funeral Directors Association

[EXHIBIT\(juh21a03\)](#)

[EXHIBIT\(juh21a04\)](#)

**Opponents' Testimony:**

00:35:09 Tom Wojowick, self

[EXHIBIT\(juh21a05\)](#)

00:38:07 Don Pfau, self, Central Montana Memorial Society

00:40:00 Debbie Stevens, Central Montana Memorial Society

00:44:25 Bill Spoja, Central Montana Crematorium, Inc.

[EXHIBIT\(juh21a06\)](#)

[EXHIBIT\(juh21a07\)](#)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:59:53\_\_Rep. French

01:00:20 Mr. Yeakel

01:05:32 Mr. Gilligan

01:09:17 Rep. Koopman

01:10:46 Mr. Gilligan

01:17:57 Rep. French

01:18:44 Mr. Gilligan

01:24:02 Rep. Ebinger

01:25:10 Mr. Gilligan

01:25:16 Rep. Stoker  
01:25:26 Mr. Gilligan  
01:26:55 Mr. Spoja  
01:28:41 Rep. O'Hara  
01:29:00 Mr. Yeakel  
01:30:24 Rep. Peterson  
01:31:22 Mr. Spoja  
01:33:07 Rep. McGillvray  
01:33:31 Mr. Spoja

**Closing by Sponsor:**

01:34:56 Rep. Thomas  
  
01:36:44 Break  
01:49:12 Reconvene

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**HEARING ON HB 375**

**Opening Statement by Sponsor:**

01:49:32 Rep. Llew Jones (R), HD 27, opened the hearing on HB 375, Allow insurance rate setting based on not-at-fault accidents.

**Proponents' Testimony:**

01:53:39 Dwight Easton, Farmers Insurance Group of Montana  
[EXHIBIT\(juh21a08\)](#)  
[EXHIBIT\(juh21a09\)](#)  
02:03:47 Greg Van Horsen, State Farm Insurance  
02:07:30 Jacqueline Lenmark, American Insurance Association

**Opponents' Testimony:**

02:09:55 Patrick Driscoll, Chief Counsel, State of Montana Auditor  
02:15:55 Carol Roy, Deputy Insurance Commissioner, State of Montana Auditor  
02:17:35 Jennifer Massman, Staff Attorney, State of Montana Auditor

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:19:29 Rep. French  
02:20:52 Mr. Driscoll  
02:21:12 Ms. Roy

02:22:15 Ms. Lenmark  
02:23:59 Rep. Everett  
02:24:40 Mr. Easton  
02:27:36 Rep. Kottel  
02:28:12 Mr. Easton  
02:33:25 Rep. McGillvray  
02:34:05 Mr. Easton  
02:36:24 Rep. Peterson  
02:37:10 Mr. Easton  
02:38:26 Rep. Stoker  
02:39:29 Mr. Driscoll  
02:39:49 Ms. Roy  
02:40:54 Rep. Koopman  
02:42:13 Mr. Easton  
02:49:08 Rep. Cordier  
02:50:10 Ms. Roy

**Closing by Sponsor:**

02:52:02 Rep. Jones

**HEARING ON HB 423**

**Opening Statement by Sponsor:**

02:56:53 Rep. Ken Peterson (R), HD 46, opened the hearing on HB 423, Increase license suspension period for refusing alcohol-drug test.

**Proponents' Testimony:**

03:03:18 Brenda Nordlund, Assistant Attorney General, Department of Justice

03:06:41 Jim Smith, Montana County Attorneys Association

03:08:16 Chris Menard, self

**EXHIBIT(juh21a10)**

03:09:51 Barry "Spook" Stang, Executive Director, Montana Motor Carriers Association

**Opponents' Testimony:**

03:11:30 Dan Flynn, International Brotherhood of Electrical Workers

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

03:13:09 Rep. O'Hara

03:13:32 Mr. Flynn  
03:14:32 Rep. French  
03:15:04 Ms. Nordlund  
03:19:57 Rep. Rice  
03:20:27 Mr. Flynn

**Closing by Sponsor:**

03:21:06 Rep. Peterson

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**HEARING ON HB 467**

**Opening Statement by Sponsor:**

03:23:39 Rep. Ken Peterson (R), HD 46, opened the hearing on HB 467, Revise medical-legal panel laws.

**Proponents' Testimony:**

03:29:40 Pat Melby, Montana Medical Association, General Counsel, Montana Medical-Legal Panel  
03:32:40 Al Smith, Montana Trial Lawyers Association  
03:34:47 Dr. Liz Rantz, Medical Director, Department of Corrections, State of Montana  
03:39:19 Diana Koch, Chief Legal Counsel, Department of Corrections, State of Montana

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

03:41:29 Rep. French  
03:42:24 Dr. Rantz  
03:44:23 Rep. Kottel  
03:44:51 Ms. Koch  
03:45:53 Mr. Melby  
03:47:15 Dr. Rantz  
03:49:53 Mr. Smith  
03:55:59 Rep. Gallik  
03:56:29 Ms. Koch

**Closing by Sponsor:**

03:59:55 Rep. Peterson

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**ADJOURNMENT**

Adjournment: 12:04 P.M.

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REP. DIANE RICE, Chairman

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PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

**EXHIBIT ([juh21aad.pdf](#))**